



Chris Saeger <[csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org)>

## FOIA-NPS-2019-0059 WVP RIN 1024-AE45 NCR Special Events Permits - Status Update

1 message

**WASO FOIA Requests, NPS** <[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)>

Mon, Mar 4, 2019 at 2:35 PM

To: Chris Saeger <[csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org)>

Cc: Brad Hennessy <[brad@westernvaluesproject.org](mailto:brad@westernvaluesproject.org)>

Mr. Saeger,

This email is a status update on your FOIA request (NPS-2019-00059).

A search and initial review for records responsive to your request has been completed. Your request has been forwarded to our Solicitors Office for next level reviews.

There are currently 4 expedited, 2 simple, and 6 normal requests ahead of yours in the processing queue.

I apologize for the delay in getting this information to you. Please note, because we were not able to process your request within the required twenty workday period you have the right to appeal. You may file an appeal by writing to:

Freedom of Information Act Appeals Officer  
Office of the Solicitor  
U.S. Department of the Interior  
[1849 C Street, NW](#)  
MS-6556-MIB,  
Washington, D.C. 20240  
[foia.appeals@sol.doi.gov](mailto:foia.appeals@sol.doi.gov)

Your failure-to-timely-respond appeal may be filed anytime between now and the date we issue our final response. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and copies of all correspondence between yourself and the National Park Service related to this request, along with any information you have which leads you to believe our response to be in error. Note, any appeal received after 5 p.m. EST will be considered to have been received on the next business day.

Sincerely,

Jessica McHugh  
WASO FOIA Liaison  
202-354-1449  
[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)

On Fri, Oct 12, 2018 at 11:07 AM WASO FOIA Requests, NPS <[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)> wrote:

Mr. Seager,

On October 5, 2018 two FOIA requests for records were received by our our office for:

*"...copies of all correspondence to or from the following individuals regarding Regulation Identifier Number (RIN) 1024-AE45: Special Regulations, Areas of the National Park System, National Capital Region, Special Events and Demonstrations, or any other official proposals to revise special regulations related to demonstrations and special events at certain national park units in the National Capital Region, from January 20, 2017 to present..."*

These two requests were addressed individually to Mr. Christopher Watts, NCR FOIA Officer and Ms. Janeen Tyson, USPP FOIA Officer. However, after further review by the NPS WASO FOIA Office, it appears that the requests are for the same information. Therefore, this request will be processed under one tracking number by me, the WASO FOIA Liaison.

Your request has been assigned tracking number NPS-2019-00059. All future correspondence relating to this request should reference this tracking number.

In accordance with [43 CFR 2.15](#) the National Park Service processes requests on a first-in, first-out basis within several processing tracks. Your request has been placed in the "normal" track. There are currently 1 "expedited" 3 "simple" and 16 "normal" requests ahead of this request in the processing queue.

We have classified you as an "other-use" requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See 43 C.F.R. § 2.39. If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g)

At this time, the estimated fees to process this request will be less than the \$50 threshold for charging fees, therefore we have determined that your fee waiver request is moot.

You should expect our response by November 2, 2018. If you do not receive our response by that date you may file an appeal by writing to:

Freedom of Information Act Appeals Officer  
Office of the Solicitor  
U.S. Department of the Interior  
[1849 C Street, NW](#)  
MS-6556-MIB,  
Washington, D.C. 20240  
[foia.appeals@sol.doi.gov](mailto:foia.appeals@sol.doi.gov)

Your failure-to-timely-respond appeal may be filed anytime after the estimated response date provided above and the date we issue our final response. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and copies of all correspondence between yourself and the National Park Service related to this request, along with any information you have which leads you to believe our response to be in error. Note, any appeal received after 5 p.m. EST will be considered to have been received on the next business day.

Sincerely,

Jessica McHugh  
WASO FOIA Liaison  
202-354-1449  
[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)

----- Forwarded message -----

From: **FOIA, NPS** <[npsfoia@nps.gov](mailto:npsfoia@nps.gov)>  
Date: Tue, Oct 9, 2018 at 1:27 PM  
Subject: Fwd: [EXTERNAL] Freedom of Information Act Request  
To: NPS WASO FOIA Requests <[waso\\_foia\\_requests@nps.gov](mailto:waso_foia_requests@nps.gov)>

----- Forwarded message -----

From: **Chris Saeger** <[csaeger@westernvaluesproject.org](mailto:csaeger@westernvaluesproject.org)>  
Date: Fri, Oct 5, 2018 at 1:45 PM  
Subject: [EXTERNAL] Freedom of Information Act Request  
To: "FOIA, NPS" <[npsfoia@nps.gov](mailto:npsfoia@nps.gov)>

Dear Mr. Watts:

The Western Values Project ("WVP") makes this request for record pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Interior ("DOI") regulations.

Specifically, WVP requests copies of all correspondence to or from the following individuals regarding Regulation Identifier Number (RIN) 1024-AE45: Special Regulations, Areas of the National Park System, National Capital Region, Special Events and Demonstrations, or any other official proposals to revise special regulations related to demonstrations and special events at certain national park units in the National Capital Region, from January 20, 2017 to present:

- Secretary Ryan Zinke
- Special Assistant Caroline Boulton
- Chief of Staff Scott Hommel
- Special Assistant to the Chief of Staff Elinor Renner
- Deputy Chief of Staff for Policy Downey Magallanes
- Deputy Chief of Staff for Operations Michael Argo
- Executive Assistant Lacey Smethers
- Senior Advisor Rick May
- Field Coordinator Evan Wilson
- Counselor to the Secretary for Energy Policy Vincent DeVito
- Advisor to Counselor Joshua Campbell
- Special Assistant to the Secretary David Mihalic
- White House Liaison Lori Mashburn
- Special Assistant to the Secretary Natalie Davis
- Deputy Secretary David Bernhardt
- Executive Assistant to the Deputy Secretary's Office Gareth Rees
- Deputy Director of Communications Russell Newell
- Deputy Director of Scheduling and Advance Leila Getto
- Chairman Jonodev Chaudhuri
- Executive Assistant to the Deputy Secretary's Office Catherine Gulac
- Associate Deputy Secretary James Cason
- Assistant Deputy Secretary Todd Willens
- Special Assistant Matt Dermody
- Counselor James Voyles
- Counselor Kate Mills
- Counselor Gary Lawkowski
- Deputy Assistant Secretary Ryan Hambleton
- Special Assistant Nicholas Davis
- Principal Deputy Assistant Secretary Jason Larrabee
- Deputy Assistant Secretary Aurelia Skipwith
- Senior Advisor Marshall Critchfield
- Deputy Director of the National Park Service P. Daniel Smith
- Special Assistant Brian Pavlik
- Director of the National Parks Service David Vela
- And individuals with e-mail addresses ending in "whitehouse.gov."

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails or other records, as well as e-mails to which the subjects of this request were carbon copied ("CC"), or blind carbon copied ("BCC").

If it is your position any portion of the requested records is exempt from disclosure, WVP requests that you provide it with an index of those documents, as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requests records are properly exempt from disclosure, please

disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the materials is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), WVP requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii).<sup>[1]</sup>

WVP requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.”<sup>[2]</sup> The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public’s business.

The requested records would shed light on whether White House staff or political appointees within the Department of the Interior exerted pressure on the National Parks Service to modify special regulations related to demonstrations and special events at certain national park units in the National Capital Region, including efforts to restrict where certain activities are allowed.

This request is primarily and fundamentally for non-commercial purposes. As a project of a 501(c)(3) organization, WVP does not have a commercial purpose and the release of the information requested is not in WVP’s financial interest. WVP’s mission is to give a voice to Western values in the national conversation about resource development and public lands conservation, a space too often dominated by industry lobbyists and their government allies. WVP will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. WVP will also make materials it gathers available on our public website <http://www.westernvaluesproject.org/>.

Accordingly, WVP qualifies for a fee waiver.

### **Conclusion**

If you have questions or need additional information, please feel free to contact Brad Hennessy, my associate who will be handling all follow-up on this request. Brad can be reached at [brad@westernvaluesproject.org](mailto:brad@westernvaluesproject.org) or at (406) 924-9491. Also, if WVP’s request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Whenever possible, please produce records in electronic format. Please send requested records to me at  
Thank you for your assistance in this matter.

Sincerely,

Chris Saeger  
Executive Director  
Western Values Project

<sup>[1]</sup> *See, e.g., McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

[2] 5 U.S.C. § 552(a)(4)(A)(iii)